

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for December 7, 2005 **PLANNING COMMISSION MEETING**

PROJECT #: Special Permit No. 05056

PROPOSAL: To obtain a special permit to operate a concrete crusher to recycle concrete and asphalt on a temporary basis and to rescind the existing Special Permit #212.

LOCATION: 3900 N Industrial Dr.; southeast of Dan Ave and Industrial Dr.

LAND AREA: Approximately 18.5 acres.

CONCLUSION: The proposed use is generally in conformance with the comprehensive plan and zoning ordinance. The operation is temporary and its purpose is to only crush and remove the existing material from the site.

RECOMMENDATION:	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 2, Northwestern Metal Addition, located in the NW 1/4 of Section 7, Township 10 North, Range 7 East, Lancaster County, NE

EXISTING ZONING: I-1

EXISTING LAND USE: Industrial

SURROUNDING LAND USE AND ZONING:

North:	I-1 Industrial	Industrial
South:	I-1 Industrial	Salt Creek
	B-5 Regional Business	Commercial/Retail (south of Salt Creek)
East:	I-1 Industrial	Recreational path and open space
West:	I-1 Industrial	Industrial

HISTORY:

June 20, 2005 Special Permit #05022 to operate a concrete crusher was denied by the City Council 6-0.

May 27, 2005	Applicant submitted an appeal of the action of the Planning Commission to the City Council.
May 25, 2005	Special Permit #05022 to operate a concrete crusher was denied by the Planning Commission by a 5-3 vote.
February 27, 1991	Administrative Amendment #900067 to change the boundary of Special Permit #212 to only include Lot 2, Northwestern Metal Addition was approved by the Planning Director.
August 1961	Special Permit 212 to occupy and use the premise for smelting, auto wrecking and salvage was approved by City Council.

This area changed from "L" Heavy Industrial District to I-1, Industrial in the 1979 Zoning update.

COMPREHENSIVE PLAN SPECIFICATIONS:

Watershed planning will continue in order to be proactive and integrate stewardship principles for land conservation, stream and wetland buffers, better site design, Best Management Practices (BMP) and erosion and sediment control. The natural drainage system can serve multiple benefits, including wildlife habitat and recreation. (F-79)

Best Management Practices (BMP) are defined as measures that remove or prevent pollutants from entering stormwater. Examples of BMP include stabilizing all areas disturbed during construction and preserving natural drainageways. It is the City's policy to encourage the use of BMP in new development and redevelopment. (F-79)

Bicycles can play an important role in the community by providing a healthy alternative to the automobile, reducing traffic congestion, improving air quality, and creating a more balanced transportation system. (F-93)

Improvement to existing street and trail facilities that are presently suitable for bicycles, and the development of an expanded system of bicycle-friendly roads and trails for the City of Lincoln and Lancaster County's future have been expressed as strong community goals. This is emphasized by the Pedestrian and Bicycle Workshop Vision Statement: "Elevate status of pedestrians and bicyclists in the community to be an integral part of the Transportation Plan." (F-93)

TRAFFIC ANALYSIS: Dan Ave. and Industrial Ave. are local commercial streets. N. 27th St., an arterial, is located one block west of Industrial Ave.

ENVIRONMENTAL CONCERNS:

The entire site is within the 100-year flood plain. Dust control is another environmental concern. A bike path abuts the property on the south and east. Salt Creek is also in the immediate vicinity.

ANALYSIS:

1. This is a request to operate a rock crusher to recycle concrete and asphalt on a temporary basis.
2. The applicant requests this special permit to allow the operation of a rock crusher from December 1, 2005 through March 1, 2006 to clean the site for future development.
3. The applicant contends that no additional concrete or asphalt scrap will be accepted for crushing at this site and that the crusher is only needed to clean the site of the existing concrete and asphalt scrap and debris.
4. The applicant asks to rescind the existing Special Permit #212 and replace with the presently requested special permit.
5. The applicant has applied to obtain a floodplain development permit. Such a permit is required to allow for the movement, crushing, and removal of the existing material from the site. Because the use of the rock crusher will be temporary in nature and the applicant assures that no additional concrete or asphalt will be imported to the site, the floodplain development permit will stipulate that only the crushing and removal of the existing materials will be permitted and that the importation of any additional material will not be permitted.
6. The Lincoln-Lancaster County Health Department notes that the applicant must take measures to control dust. This is especially important since there is a bike path adjacent to the east and south boundary of the site.
7. The applicant letter notes that the rock crusher will, at all times, be in compliance with the Lincoln/Lancaster County Air Pollution Regulations and Standards Article 2 Section 32-Dust Duty to prevent escape of dust.
8. According to the applicant's letter, the rock crusher will be located a minimum of 100 feet from the boundary of the site at all times, however the Health Department recommends a minimum of 200 feet.
9. Three neighboring property owners opposing the previous special permit for rock crushing on this property have provided a letter, via their attorney, agreeing to the temporary operation of the rock crusher if operated from November through February only with a definitive termination date.
10. A letter from the US Army Corps of Engineers has been provided by the applicant that states that a 404 permit is not required. In the previous special permit staff report, it

was a condition of approval that such a permit be obtained or a letter stating that it was not required be obtained.

CONDITIONS OF APPROVAL:

Site Specific:

1. This approval permits a rock crusher to recycle concrete and asphalt from December 1, 2005 to March 1, 2006.
 - 1.1 Identify the location of the rock crusher on the site plan. The rock crusher must be a minimum of 200' from the boundary of the site as required by the Health Department.
 - 1.2 Special Permit #212 is hereby rescinded.

General:

2. Before operating the rock crusher:
 - 2.1 The owner/operator of the rock crushing equipment must provide to the Building and Safety Department an air quality construction permit for this equipment from the Nebraska Department of Environmental Quality.
3. The rock crusher must, at all times, be in compliance with the Lincoln-Lancaster County Air Pollution Regulations and Standards (LLCAPCPRS) Section 32-Dust-Duty to Prevent Escape of Dust and Chapter 8.06 of the Lincoln Municipal Code.
4. The rock crushing operations must, at all times, be located a minimum of 200' from the boundary of the site.
5. The owner/operator of the rock crusher must provide notice of relocation of the portable equipment to the Lincoln/Lancaster County Health Department, in accordance with Article 2, Section 10 of the LLCAPCPRS, 20 days prior to the date of relocation.
6. The portable rock crushing equipment must meet all applicable federal, state, and local air quality emissions regulations.
7. A floodplain development permit shall be obtained by the applicant, owner or operator. This permit shall stipulate that no additional materials shall be imported to the site and

shall state that the permit only allows for the crushing and/or removal of the existing materials.

8. Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards. Landscaping material selections within easement corridors shall follow established guidelines to maintain clearance from utility facilities.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
 - 3.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Joe Rexwinkle Planner

DATE: November 17, 2005

APPLICANT: Sanford & Son, LLC
3801 Union Drive, Suite 102
Lincoln, NE 68516

OWNER: same as applicant

CONTACT: Bob Lewis
3801 Union Drive, Suite 102
Lincoln, NE 68516



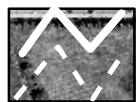
2005 aerial

Special Permit #05056 3900 Industrial Ave.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 7 T10N R07E

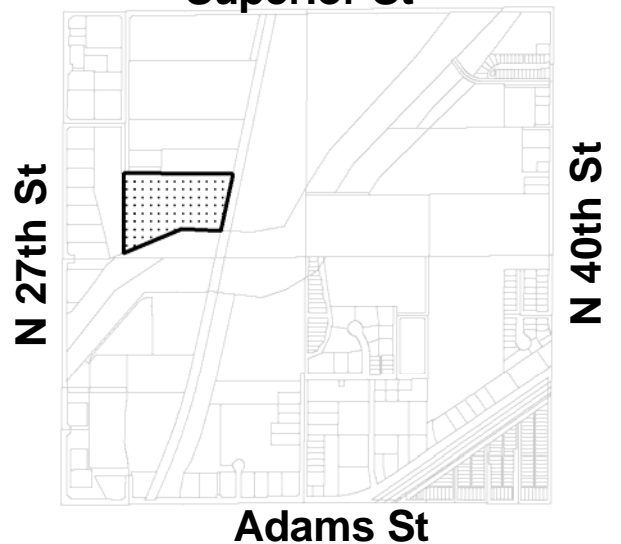


Zoning Jurisdiction Lines

City Limit Jurisdiction

m:\plan\arcview\05_sp\sp05056

Superior St



Adams St



CITY OF LINCOLN
NEBRASKA

MAYOR COLEEN J. SENG
www.ci.lincoln.ne.us

**PUBLIC WORKS AND
UTILITIES DEPARTMENT**

MEMORANDUM

Date: November 15, 2005

To: Joe Rexwinkle, Planning

From: Ben Higgins, Public Works and Utilities

Subject: *Sanford and Son, LLC (SP05056)*

cc: John Callen, Chad Blahak, Public Works and Utilities

Listed below are Watershed Management Comments on this special permit:

1. An approved floodplain development permit needs to be obtained for any existing and proposed material (concrete, asphalt, etc) within the lot. If there is existing material on site the permit needs to be obtained prior to the issuance of the special permit and prior to bringing any proposed material into the floodplain, unless an approved floodplain permit has already been obtained for any existing or proposed material.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Joe Rexwinkle	DATE: November 14, 2005
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File EH Administration	SUBJECT: Sanford & Son, LLC SP #05056

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the special permit application with the following noted:

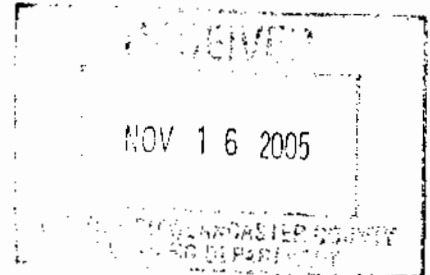
- The LLCHD requires the crushing operation to be located at least 200 feet from the nearest property boundary.
- The portable rock crushing equipment must meet all applicable federal, state, and local air quality emission regulations.
- The owner/operator of the rock crushing equipment must have obtained an air quality construction permit for this equipment from the Nebraska Department of Environmental Quality.
- The rock crushing operation must comply with the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards (LLCAPCPRS), Section 32, Dust- Duty to Prevent Escape of and Chapter 8.06 of the Lincoln Municipal Code.
- The owner/operator of the rock crusher must provide notice of relocation of the portable equipment to the LLCHD, in accordance with Article 2, Section 10 of the LLCAPCPRS, 20 days prior to the date of relocation.

INTER-DEPARTMENT COMMUNICATION

-LES

DATE: November 15, 2005
TO: Joe Rexwinkle, City Planning
FROM: Sharon Theobald *Sharon*
Ext 7640
SUBJECT: DEDICATED EASEMENTS
DN# 39N-29E

SP#05056



Attached is the Special Permit Request for Sanford & Son LLC.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will not require any additional easements.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Landscaping material selections within easement corridors shall follow established guidelines to maintain minimum clearance from utility facilities.

ST/ss
Attachment
c: Terry Wiebke
Easement File